

Hollins University

**Hollins Digital Commons**

---

Ann B. Hopkins Papers

Manuscript Collections

---

9-7-1990

**No. 90-7099 Motion by Equal Employment Opportunity  
Commission Amicus Curiae to Participate in Oral Argument (with  
letter from EEOC)**

United States Court of Appeals

Follow this and additional works at: <https://digitalcommons.hollins.edu/hopkins-papers>



Part of the [Civil Rights and Discrimination Commons](#)

---

ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 7, 1990

---

---

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

---

No. 90-7099

---

ANN B. HOPKINS,

Plaintiff-Appellee,

v.

PRICE WATERHOUSE,

Defendant-Appellant.

---

On Appeal from the United States District Court  
For the District of Columbia

---

MOTION BY EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT

---

1. On August 10, 1990, the Equal Employment Opportunity Commission filed a brief as amicus curiae in support of plaintiff-appellee Ann Hopkins in the above captioned matter.<sup>1</sup> Because of the extraordinary importance of the issues presented in this case, the Commission moves the Court to grant it five minutes at oral argument to set forth and amplify its position on some of the issues raised in this appeal. See Local Rules 13(f).
2. On August 17, 1990, counsel for Ann Hopkins notified the

---

<sup>1</sup> On August 23, 1990, this Court denied Price Waterhouse's motion to strike EEOC's brief.

Commission that, because of the complexity the case and the extensive record involved, it was not able to cede any time to the Commission at oral argument.

3. This case presents the issue whether a court is authorized under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(g) to award partnership to a qualified candidate who would have been made partner by the firm but for her sex. To date, this issue has never been explicitly decided by an appellate court.

4. As a representative of the public interest, the Commission has a special interest in having its views on this issue heard by the Court. The EEOC is the agency charged by Congress with the interpretation, administration and enforcement of Title VII and other fair employment statutes. If this Court were to adopt Price Waterhouse's position that courts do not have authority to order partnership to a qualified candidate who would have been made partner by the firm but for her sex, Title VII's make whole remedial provisions would be frustrated in future cases involving promotion to partnership, not only under Title VII, but also under other employment statutes, both federal and state, with similar remedial provisions.

WHEREFORE, the EEOC respectfully requests this Court grant this motion permitting EEOC, amicus curiae, to participate in oral argument.

Respectfully submitted,

DONALD R. LIVINGSTON  
General Counsel (Acting)

GWENDOLYN YOUNG REAMS  
Associate General Counsel

VINCENT J. BLACKWOOD  
Assistant General Counsel

  
SUSAN L.P. STARR  
Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 L Street, N.W.  
Washington, D.C. 20507  
202/663-4726  
FTS/989-4726

CERTIFICATE OF SERVICE

I hereby certify that two copies of the foregoing motion have been sent by messenger, costs prepaid, to the following counsel of record:

Theodore B. Olson

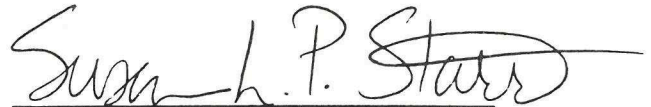
GIBSON, DUNN & CRUTCHER  
1050 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036

ATTORNEY FOR APPELLANT

James H. Heller  
Douglas B. Huron

KATOR, SCOTT & HELLER  
1275 K Street, N.W.  
Suite 950  
Washington, D.C. 20005

ATTORNEYS FOR APPELLEE



SUSAN L.P. STARR  
Attorney  
Appellate Services

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 L Street, N.W., Rm 7020  
Washington, D.C. 20507  
(FTS)/989-4726  
202/663-4726

August 24, 1990



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Washington, D.C. 20507

Office of  
General Counsel

August 24, 1990

Ms. Constance DuPre, Clerk  
United States Court of Appeals  
For the District of Columbia  
United States Courthouse  
3rd & Constitution Avenue, N.W.  
Washington, D.C. 20001

RE: Ann B. Hopkins v. Price Waterhouse, 90-7099.

Dear Ms. DuPre:

Please find enclosed four copies and one original of the motion by EEOC, amicus curiae, requesting the Court for leave to participate in oral argument in the above captioned matter. If you have any questions or concerns, please do not hesitate to contact me at the address or telephone number noted below.

Sincerely,

A handwritten signature in cursive script that reads "Susan L.P. Starr". The signature is written in dark ink and is positioned above the typed name.

SUSAN L.P. STARR  
Appellate Attorney

Equal Employment Opportunity  
Commission  
1801 L Street, N.W.  
Washington, D.C. 20507  
202/663-4726  
FTS/989-4726

cc: counsel of record